THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19477 of 2005

02.9.2005

Between:

Kummari Chinna Eeranna, S/o.Sri Kummari Narsaiah,

Agriculture, Sankapura village, Ieeja Mandal,

Mahaboobnagar District.

… Petitioner.

AND

1. Mandal Revenue Officer, Ghattu Mandal, Ghattu,

Mahabubnagar District.

And four others.

… Respondents.

ORDER:

The petitioner is the owner of agricultural dry land admeasuring Acs.4.39 gts., in Survey Nos.224 and 225 of Mittadoddi village, Ghattu Mandal, Mahabubnagar District. He dug a bore well in June 2001 and cultivating his land. When the fifth respondent dug a bore well 10 feet away from the petitioner's bore well, he gave a complaint to the first respondent, who conducted a panchanama on 26.3.2005. The panchanama reads as under:

> We, the above named three Panch Witnesses, being called by the Addl. Revenue Inspector, Gattu Mandal, attended at the Gram Panchayat Office, Mittadodda. We enquired about the Bores in Survey Nos.224 and 225 situated at the outskirts of Mittadoddi village. In view of the disputes relating to the said Bores, we went to Mittadoddi. On enquiry about this issue, it is revealed that Kummari Chinna Eeranna, Son of Narsanna got the Bore Drilled during June 2001 and having fixed a Motor to it is doing cultivation. After three years from then, Sri Narsoji, Son of Chinna Maaboob Sab, got a new Bore dug by the side of the Bore got drilled by Kummari Chinna Eeranna and got a Motor fixed to it. If this Narsoji, Son of Mahboob Saheb, starts Motor of the Bore, no water is being drawn from the Bore of Kummari Chinna Eeranna. The distance from these two Bores is 10 Feet approximately. Hence, it spears that the Bore of Kummari Chinna Eeranna is completely dried up in view of the Bore got drilled by Sri Narsoji.
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> Hence, this Panchanama having been written as per our inspection at the

spot.

After the contents of this Panchanama are read over, we found the same to be true and correct and admitting the same, we affixed our signature.

It appears that the first respondent also gave a complaint to the Station House Officer, P.S.Ghattu on 31.3.2005 requesting to inspect the spot where the fifth respondent dug a bore well and take action in accordance with the provisions under A.P. Water, Land & Trees Act, 2002 (the Act). Curiously, it is alleged that the Station House Officer seized the bore well of the petitioner as well as the fifth respondent. Aggrieved by the same, the petitioner preferred an appeal under Section 33 of the Act read with Rule 27 of A.P. Water, Land & Trees Rule, 2002 (the Rules) before the Joint Collector, Mahabubnagar. In the meanwhile, it appears that the fifth respondent with his influence started using the bore well whereas the petitioner, who complaint about the contravention made by the fifth respondent is deprived of the facility. Therefore, he filed the present writ petition seeking direction to the respondents to take appropriate action under the provisions of the Act and the Rules, and further to direct the respondents 1 to 4 to permanently close down the bore well dug by the fifth respondent.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). As the appeal preferred by the petitioner is pending and no orders are passed, the jurisdiction of this Court is invoked. Therefore instead of expressing anything on merits of the case, the writ petition is disposed of directing the Joint Collector, Mahabubnagar to pass appropriate orders on appeal filed by the petitioner on 02.5.2005 within four weeks from the date of receipt of a copy of this order. Pending consideration of the appeal, it shall be open to the petitioner to use the bore well by making appropriate repairs, if so advised, duly informing the Mandal Revenue Officer, Ghattu.

The writ petition, with the above observations, is disposed of. No costs.

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(**V.V.S.RAO,J**)

September 02, 2005.

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